

REMARKS

By this amendment, claims 250-251, 255, 261, 263, 266, 268, 271-272, 276, 282, and 286 have been amended. The specification and drawings have been amended to correct certain informalities. Claims 1-249 were previously canceled. Accordingly, claims 250-291 are currently pending in the application, of which claims 250, 261, 271, and 282 are independent claims.

Applicants respectfully submit that the above amendments do not add new matter to the application and are fully supported by the specification. Support for the amendments may be found at least at page 53, lines 1 to 13, and at page 54, line 9 to page 55, line 15 of the specification.

In view of the above amendments and the following Remarks, Applicants respectfully request reconsideration and timely withdrawal of the pending rejections for the reasons discussed below.

Amendments to the Drawings

Attached hereto are replacement figure sheets for Figures 4C, 4D, 5C, 5D, 10A, 12A, and 12B, which include the changes, without markings, identified below.

Figure 4C has been amended by changing reference numeral "230" to "240," and Figure 4D has been amended by changing reference numeral "240" to "230."

Figure 5C and Figure 5D have been amended by changing "ASYNCHRONOUS MM" and "ASYNCHRONOUS CC" to "SYNCHRONOUS MM" and "SYNCHRONOUS CC" for elements 223 and 222, respectively.

A replacement Figure 10A has been submitted as a clean copy without overwritings.

Figure 12A has been amended by changing "ASYNCHRONOUS" to "SYNCHRONOUS" in step S44, and "CHANNEL" in steps S46 and S47 has been changed to "INFORMATION."

Figure 12B has been amended by changing reference character "S55," which denotes the SELECT CELL step, to "S52," and "NETWORK" has been changed to "NETWORK" in steps S56 and S61.

Rejection of Claims under Double Patenting

Claims 250-291 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-102 of U.S. Patent No. 6,741,868, issued to Park, *et al.*, and claims 1-61 of U.S. Patent No. 7,110,788 issued to Park, *et al.*

Applicants have submitted a terminal disclaimer to overcome these rejections. Accordingly, Applicants respectfully request withdrawal of this double patenting rejection of claims 250-291.

Claims 250-291 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 250-321 of co-pending Application No. 10/825,281, filed by Park, *et al.*, and claims 250-322 of co-pending Application No. 10/824,908, filed by Park, *et al.*

Applicants have submitted a terminal disclaimer to overcome this rejection. Accordingly, Applicants respectfully request withdrawal of this provisional double patenting rejection of claims 250-291.

Applicants note that "[t]he filing of a terminal disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection [because] the filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection" (MPEP § 804.02.II, citations omitted). Hence, the terminal disclaimer included with this reply

simply serves the statutory function of removing the double patenting rejection without raising a presumption or estoppel on the merits of the rejection.

Claims 250, 261, 271, and 282 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 of U.S. Patent No. 6,782,274, issued to Park, *et al.* ("Park"). Applicants traverse this rejection for at least the following reasons.

The examiner asserts that claims 250, 261, 271, and 282 of the present application are not identical, but are not patentably distinct over claims 1-26 of Park because the present application's claims are "broad enough to be encompassed by the claims of" Park. See Office Action, page 2. Applicants respectfully assert that the examiner's position fails to establish a *prima facie* case of obviousness as required under the MPEP.

Chapter 804.II.B.1 of the MPEP states the requirements of an obviousness-type double patenting rejection. Specifically:

"Any obviousness-type double patenting rejection should make clear:

(A) The differences between the inventions defined by the conflicting claims — a claim in the patent compared to a claim in the application; and

(B) The reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim at issue would have been an obvious variation of the invention defined in a claim in the patent." (emphasis added)

First, Applicants respectfully assert that the examiner's conclusionary description of the present application's claims — that they are "broad enough to encompass" Park's claims - fails to sufficiently describe the differences between the current application's claims and Park's claims.

Moreover, the differences between the current application's claims and Park's claims are significant. Claim 250 as amended recites, *inter alia*, a method for interfacing between a terminal and a base station connected to a core network, comprising:

providing the terminal with a message comprising an information element identifying the operating type of the core network.

Read carefully, this limitation includes many features. First, the message comprises an information element. Second, the information element identifies the operating type of the core network. Third, the step of providing the terminal with this message is a step for interfacing between the terminal and the base station.

Park's independent claims 1 and 13, to the contrary, focus on transmitting a radio resource message from a mobile station to a radio network. Further, step (b) of Park's claims 1 and 13 are directed to generating a radio resource control message. Only Park's step (a) recites "determining whether a core network is a synchronous core network or an asynchronous core network." However, the features of step (a), even as expounded upon in Park's claims 2 and 15, fail to disclose the above-recited features of claim 250.

Second, the examiner has failed to indicate why the current application's claims would be an obvious variation of Park's claims. Specifically, the Office Action includes neither side-by-side comparisons between the rejected and cited claims, nor case law supporting the examiner's conclusion of a prima facie case of obviousness.

Accordingly, because the examiner has failed to present the minimum evidence required to support an obviousness-type double patenting rejection, Applicants respectfully request withdrawal of the double patenting rejection of claims 250, 261, 271, and 282.

Rejections Under 35 U.S.C. § 102

Claims 250-251, 253-259, 261-263, 265-266, 268-272, 274-280, 282, and 284-290 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 5,946,634, issued to Korpela ("Korpela").

In order for a rejection under 35 U.S.C. § 102(e) to be proper, a single reference must disclose every claimed feature. To be patentable, a claim need only recite a single novel feature that is not disclosed in the cited reference. Thus, the failure of a cited reference to disclose one or more claimed features renders the 35 U.S.C. § 102(e) rejection improper.

Korpela fail to disclose every feature of the claims as amended. For example, claim 250 as amended recites, *inter alia*:

providing the terminal with a message comprising an
information element identifying the operating type of the core
network. (emphasis added)

Korpela fails to disclose at least these features. Referring to Fig. 8 and col. 6, lines 15-25 of Korpela, a signal transmitted from the radio access network includes a country identification portion 101, a network identifying portion 103, and a backbone network type code 102. The backbone network type code 102 indicates, at most, "whether the network is, for example, a GSM network, a B-ISDN network, and so on," which is distinct from a core network operating type such as GSM-MAP or ANSI-41. Korpela, col. 6, lines 24-25. Applicants specifically distinguish between Korpela's signal, which indicates a network type such as GSM or B-ISDN, and the information element of claim 250, which identifies the "operating type" of a core network. Thus, Korpela's signal including a backbone network type code 102 fails to disclose:

providing the terminal with a message comprising an
information element identifying the operating type of the core
network. (emphasis added)

Claims 271 has been amended consistently with the above-recited portion of claim 250. Accordingly, Korpela fails to disclose at least these features of claim 271 as well.

Claim 261 as amended recites, *inter alia*:

a messaging block for providing the terminal with a message through a predetermined channel, the message including a master information block comprising an information element identifying the operating type of the core network. (emphasis added)

For at least the same reasons as those asserted above with respect to claim 250, Korpela fails to disclose at least these features of claim 261 as amended.

Claim 282 as amended recites, *inter alia*:

a messaging block for providing the terminal with a message through a predetermined channel, the message comprising an information element identifying the operating type of the core network. (emphasis added)

For at least the same reasons as those asserted above with respect to claim 250, Korpela fails to disclose at least these features of claim 282 as amended.

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(e) rejection of claims 250, 261, 271, and 282. Claims 251, 253-259, 262-263, 265-266, 268-270, 272, 274-280, and 284-290 depend from one of claims 250, 261, 271, and 282, and are allowable at least for this reason. Since none of the other prior art of record discloses or suggests all the features of the claimed invention, Applicants respectfully submit that independent claims 250, 261, 271, and 282, and all the claims that depend therefrom, are allowable.

Rejections Under 35 U.S.C. § 103

Claims 252, 264, 273, and 283 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Korpela.

Applicants respectfully submit that independent claims 250, 261, 271, and 282 are allowable over Korpela, and the examiner's modification of Korpela fails to cure the deficiencies of Korpela alone as noted above with regard to claims 250, 261, 271, and 282. Hence, claims 252, 264, 273, and 283 are allowable at least because they each depend from an allowable base claim.

Claims 260, 267, 281 and 291 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Korpela in view of 3GPP TS 25.331 V3.0.0 (1999-10) ("3GPP Spec").

Applicants respectfully submit that independent claims 250, 261, 271, and 282 are allowable over Korpela, and the 3GPP Spec fails to cure the deficiencies of Korpela alone as noted above with regard to claims 250, 261, 271, and 282. Hence, claims 260, 267, 281 and 291 are allowable at least because they each depend from an allowable base claim.

Other Matters

In addition to the amendments mentioned above, the claims and various paragraphs of the specification have been amended solely for the purposes of informality correction, better wording and clarification. These amendments are not made for the purpose of avoiding prior art or narrowing the claimed invention, and no change in claim scope is intended. Therefore, Applicants do not intend to relinquish any subject matter by these amendments.

CONCLUSION

Applicants believe that a full and complete response has been made to the pending Office Action and respectfully submit that all of the stated grounds for rejection have been overcome or rendered moot. Accordingly, Applicants respectfully submit that all pending claims are allowable and that the application is in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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